

Exhibit DD

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

STEPHANIE CAPSOLAS, HERNAN RICARDO
ALVARADO, JEFFREY CUTAIAR, NICOLE
MEDVITZ, PAUL TORO, DANIEL JANSON,
ROGER CARO, CHRIS ELL, CHRIS FORBES,
JESSE PATRICK, and DIANA DIETRICH, on behalf
of themselves and other similarly situated,

DECLARATION OF
CHRIS ELL

Plaintiffs,

v.

PASTA RESOURCES INC., BABBO LLC d/b/a
BABBO RISTORANTE ENOTECA, PANE SARDO
LLC d/b/a OTTO ENOTECA PIZZERIA, EL MONO
LLC d/b/a CASA MONO and BAR JAMON, LA
LOGGIA LLC d/b/a TARRY LODGE, MARIO
BATALLI, and JOSEPH BASTIANICH,

Defendants.

I, Chris Ell, declare, upon personal knowledge and under penalty of perjury, pursuant to 28 U.S.C. Section 1746, that the following is true and correct:

1. I worked for Casa Mono as a server from approximately April 2007 through approximately March 2010.
2. During my entire tenure at Casa Mono, I was paid hourly wages of less than the full minimum wage rate.

NOTICE OF THE TIP CREDIT

3. Throughout my employment, nobody at Casa Mono ever informed me about the federal law regarding the tip credit at any time during my employment. I do not recall anybody at Casa Mono ever telling me that I would be paid less than the minimum wage because I would receive tips or that my tips would be used as a credit against the minimum wage that Casa Mono was required to pay me.

4. When I started working at Casa Mono and during the entire course of my employment, nobody ever told me about the requirements that Casa Mono had to meet in order to take a tip credit or showed me a copy or a summary of any laws, rules, or regulations informing me of such requirements.

TIP SHARING

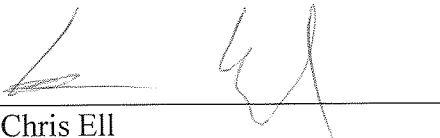
5. During my employment at Casa Mono, I was not allowed to retain all of the tips that I earned.

6. The restaurant's management kept a portion of the customer tips that I and other tipped food service workers earned. The amount that the restaurant's management kept was equal to approximately 4% of the wine sales for the shift.

7. I know this because I saw the tip sheet, which has a section that shows that 4% of the wine sales were deducted from the tip pool each shift. The amount that was deducted from the tip pool was taken by management. See Exhibit A (blank tip sheet). The amount was taken off of the credit card tips electronically.

8. I asked Amy Clark, the General Manager, what the restaurant used the 4% for. In response, she told me that the money was used for the "wine program." Anthony Sasso, the chef, told me that the money was used to cover broken glassware. I also heard part owner Nancy Seltzer say that the 4% was used for refrigeration of the high-end wine.

Dated: New York, New York
September 15, 2010


Chris Ell

DINNER

Day _____ Date _____ Number of Cuts _____ Prepared by _____

| Waiter | Covers | Charge Tips | Cash Tips |
|-----------|--------|-------------|-----------|
| | | | |
| | | | |
| | | | |
| Bartender | | Charge Tips | Cash Tips |
| | | | |
| Total | | | |

Wine Sales: _____ - _____ = _____

Wine Department: 4% of Wine sales: _____

Charge tip out: _____

| Bartender | Charge Tip | Cash Tip |
|------------|------------|----------|
| | | |
| Waiter | | |
| | | |
| | | |
| | | |
| Expo | | |
| | | |
| Backwaiter | | |
| | | |

SERVER = 2 CUTS

EXPO = 1.5 CUTS

BUSSER = 1 CUT

Cash sales _____

Cover Count _____

Total Sales _____